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VEMMA NUTRITION COMPANY  
7

8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
10

11 GREGORY MONTEGNA,  
Individually and On Behalf of All  
12 Others Similarly Situated,

13 Plaintiff,

14 vs.

15 VEMMA NUTRITION  
COMPANY,

16 Defendants.  
17

CASE NO. 13CV2731 MMARBB

Assigned to Hon. Michael M. Anello

**JOINT MOTION TO DISMISS  
ACTION IN ITS ENTIRETY  
PURSUANT TO FRCP  
41(a)(1)(A)(ii)**

Complaint Filed: November 14, 2013

1 Plaintiff Gregory Montegna ("Plaintiff") and defendant Vemma Nutrition  
2 Company ("Defendant"), by and through their respective counsel of record, hereby  
3 stipulate and move for an order as follows:  
4

5 WHEREAS, on December 16, 2013, Defendant filed a Motion to Dismiss  
6 Plaintiff's Second Cause of Action and Class Claims (the "Motion to Dismiss");  
7

8 WHEREAS, Plaintiff and Defendant participated in an all-day mediation  
9 before the Honorable Leo Papas (Ret.) on February 24, 2014 and subsequently  
10 entered into a settlement agreement with respect to Plaintiff's individual claims,  
11 pursuant to which Plaintiff has agreed to dismiss this lawsuit;  
12

13 WHEREAS, based on the parties' mutual promises in, and pursuant to, the  
14 settlement agreement, the putative class claims will be dismissed without  
15 prejudice;  
16

17 WHEREAS, the court has not certified a class in this case, meaning that  
18 court approval is not required pursuant to Fed. R. Civ. P. 23(e);  
19

20 NOW THEREFORE, the parties agree and jointly stipulate as follows:  
21

22 1. Plaintiff's individual claims against Vemma shall be dismissed in  
23 their entirety with prejudice.  
24

25 ///

26 ///

27 ///

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1           2.     The putative class claims asserted against Vemma shall be dismissed  
2 in their entirety without prejudice.

3  
4     DATED: May 20, 2014

STRADLING YOCCA CARLSON &  
RAUTH, P.C.

5     By: /s/ Karla Kraft  
6         KARLA KRAFT  
7         Attorneys for Defendant  
8         Vemma Nutrition Company  
9         Email: kkraft@sycr.com

10           I, Karla Kraft, certify that Plaintiff's counsel identified below informed  
11 me that the content of this document is acceptable.

12     DATED: May 20, 2014

KAZEROUNI LAW GROUP, APC

13  
14     By: /s/ Abbas Kazerounian  
15         ABBAS KAZEROUNIAN  
16         Attorneys for Plaintiff  
17         Gregory Montegna  
18         Email: ak@kazlg.com

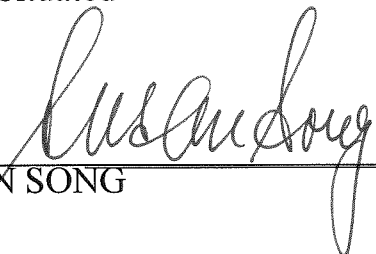
**CERTIFICATE OF SERVICE**

I, Susan Song, hereby certify that on May 20, 2014, I caused to be electronically filed a true and correct copy of **JOINT MOTION TO DISMISS ACTION IN ITS ENTIRETY PURSUANT TO FRCP 41(a)(1)(A)(ii)** with the Clerk of the Court using CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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Attorney for Gregory Montegna  
Individually and On Behalf of All Others Similarly Situated

On May 20, 2014

  
\_\_\_\_\_  
SUSAN SONG